



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,671	01/27/2006	Johannes Hendrik Vos	02814.0074	7352
22852	7590	09/14/2007	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			NGUYEN, TAI T	
		ART UNIT	PAPER NUMBER	
		2612		
		MAIL DATE		DELIVERY MODE
		09/14/2007		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/530,671	VOS ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Tai T. Nguyen	2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 January 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6,8,10,11 and 13-17 is/are rejected.
- 7) Claim(s) 7,9 and 12 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 10/11/05.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Specification***

1. The disclosure is objected to because of the following informalities:

Applicant is required to insert ----Related art---- of the PCT/ZA03/00121 filed on 08/12/2003 into the disclosure of specification.

In the specification, page 6, line 16, "a tab 18" should be corrected as ----a tab 20----.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 5 recites the limitation "the sleeve parts" in line 2. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 6 recites the limitation "the sleeve parts" in line 2. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 7 recites the limitation "the sleeve parts" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-6, 8, and 13-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Howes et al. (US 5,056,659).

Regarding claim 1, Howes et al. disclose a container assembly (20, figures 1-2) comprising a container body (21) defining a main component (col. 4, lines 51-57); a hollow insert (26) located in the main component to form a secondary component within the main body (col. 5, lines 26-38); the secondary component having a closure means (36) for sealing a liquid (30) therein (col. 5, lines 43-54); and the container body having a lid (38) to close the main body (figures 1-2, col. 5, lines 55-64).

Regarding claims 2-5, Howes et al. disclose the assembly includes a locating means (34) to locate the insert in the main body, a sleeve insert (23), in which the sleeve insert being a split sleeve and being made by resiliently deformable (rubber material) for locating/securing the insert in the main component (col. 5, lines 14-26).

Regarding claim 6, Howes et al. disclose the sleeve insert terminate in axially inward extending lips (figures 1-2).

Regarding claim 8, Howes et al. disclose the insert being cylindrical (figures 1-2).

Regarding claim 13, Howes et al. disclose the container lid has a circumferentially extending slot for engagement with an upper edge of the container body (figures 1-2).

Regarding claim 14, Howes et al. disclose the upper edge of the container body is a right-circular upwardly extending rim section for engagement with the complementary shaped slot in the lid (figures 1-2).

Regarding claims 15-16, Howes et al. disclose the lid includes notification means in the form of a sticker (37, col. 6, lines 29-43).

Regarding claim 17, Howes et al. disclose the closure means of the insert is a disc (figures 1-2).

#### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howes et al.

Regarding claims 10-11, Howes et al. disclose the insert being cylindrical but fail to disclose the insert having two cylindrical sections, a first section having a larger diameter than a second section or the insert has a cylindrical operatively lower hollow and a frusto conical operatively upper hollow section. Since Howes et al. disclose the insert being hollowed for containing liquid therein, it would have been an obvious matter of design choice to have two cylindrical sections, a first section having a larger diameter than a second section or the insert has a cylindrical operatively lower hollow and a

Art Unit: 2612

frusto conical operatively upper hollow section, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

***Allowable Subject Matter***

11. Claims 7, 9, 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cavanagh (US 7,097,069), Falkenberg et al. (US 6,123,189), and Ebine (US 5,992,677).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (571) 272-2961. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 12, 2007



TAI NGUYEN  
PRIMARY EXAMINER